

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Viking Fabricators, Inc.,	:	
Plaintiff	:	Civil Action 2:12-cv-00851
v.	:	Judge Smith
Beacon Industrial Manufacturing, LLC,	:	Magistrate Judge Abel
Defendant	:	

Order

Based on the agreement of the parties, it is hereby ORDERED that the parties submit this matter to binding arbitration, which shall take place in Charlotte, North Carolina at the offices of Robinson, Bradshaw & Henson, P.A., 101 North Tryon Street, Suite 1900, Charlotte, North Carolina 28246. This arbitration shall be conducted in accordance with the Regular Track Procedures set forth in the Construction Industry Arbitration Rules of the American Arbitration Association.

The parties shall use a single arbitrator if they can mutually agree. In the event they cannot agree on a single arbitrator, the case shall be arbitrated by a panel of three arbitrators where one party picks an arbitrator, the other party picks an arbitrator, and the two arbitrators pick a third arbitrator. The costs and fees of the arbitrator or panel of arbitrators shall be split equally between the parties.

This case shall be stayed pending the outcome of the arbitration, except that the parties may issue and enforce subpoenas to conduct third-party discovery in this action.

All discovery between the parties shall be conducted in arbitration, subject to the direction of the arbitrator(s).

This Agreed Order shall not constitute a waiver of any claim or defense, except as expressly set forth herein.

IT IS SO ORDERED.

s/Mark R. Abel
United States Magistrate Judge

Approved by counsel:
/s/ Daniel P. Corcoran
Daniel P. Corcoran (#10959)
THEISEN BROCK, a legal professional
association
424 Second Street
Marietta, Ohio 45750
Telephone: (740) 373-5455
Telecopier: (740) 373-4409
corcoran@theisenbrock.com
Attorney for Plaintiff, Viking Fabricators, Inc.

/s/ Daniel C. Gibson
Daniel C. Gibson (#0080129)
Bricker & Eckler, LLP
100 South Third Street
Columbus, Ohio 43215
Telephone: (614) 227-2324
Telecopier: (614) 227-2390
dgibson@bricker.com
Attorney for Defendant, Beacon Industrial Manufacturing, LLC
(314840)